

Sector #

PATENT  
Attorney Docket No. 1610

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DOUCEUR et al.

Serial No. 09/354,970

Filed: July 16, 1999



Group Art Unit: 2784

Examiner: Not Assigned

# 3

For: Method and System for Regulating  
Background Tasks Using  
Performance Measurements

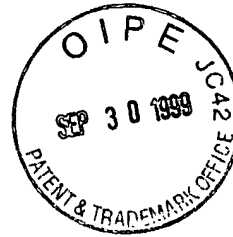
Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Applicant hereby responds to the NOTICE TO FILE MISSING PARTS OF APPLICATION dated August 11, 1999. This application is on behalf of a large entity, and pursuant to 37 C.F.R. § 1.16(e), the surcharge for filing this Response is \$130.00.

Submitted with the response and surcharge is a filing fee and additional claim fees in the amount of \$1030.00, an Executed Declaration of inventors, and a copy of the Notice to File Missing Parts of Application that incorrectly charges fees for one additional independent claim over three. Three independent claims were filed in the application, therefore no additional independent claim fee is required. If the applicant is in error, the U.S. Patent and Trademark Office is hereby authorized to charge the additional \$78.00 independent claim fee to deposit account 500463.

In re Appln. of DOUCEUR et al.  
Serial No. 09/354,970



The total fee due is:

Basic Filing Fee	\$760.00
Additional Claim Fees	\$270.00
Surcharge	<u>\$130.00</u>
 Total Fee Due:	 \$1160.00

- ☒ Charge Deposit Account No. 500463 the sum of \$1160.00. A duplicate of this transmittal is attached.
- ☒ If any additional fee is required in connection with this response, please charge Deposit Account No. 500463.

Date: September 27, 1999

Respectfully submitted,

Albert S. Michalik, Reg. No. 37,395  
Michalik & Wylie, PLLC  
14645 Bel-Red Road  
Suite 103  
Bellevue, WA 98007  
425-653-3520 (telephone)  
425-653-3603 (facsimile)

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#### CERTIFICATE OF MAILING

I hereby certify that this response in duplicate, Executed Declaration of Inventors and copy of the notice are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: September 27, 1999

Albert S. Michalik



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/354,970	07/16/99	DOUCEUR	J 1610

ALBERT S MICHALIK  
MICHALIK & WYLIE PLLC  
14645 BEL-RED ROAD  
SUITE 103  
BELLEVUE WA 98007

0232/0811



NOT ASSIGNED

2784

DATE MAILED:

08/11/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 1238.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due: 348.00

\$ 270.00 for 15 total claims over 20.

\$ 18.00 for 1 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

WM Meredith

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

10/01/99  
01 FC:MM 73.00 CM  
02 FC:MS 123.00 CM  
03 FC:LO 270.00 CM